REMARKS

In view of the following remarks, reconsideration of the present patent application is respectfully requested.

Rejection under 35 U.S.C. §103(a)

As recited in the previously presented Claim 1 of the present application, the present invention discloses a method for updating firmware of an information apparatus by e-mail, comprising following steps:

(a) a computer vendor for the information apparatus preparing an update program;

(b) the update program is attached to an e-mail sent to the information apparatus to be updated;

(c) a content type of the e-mail is discriminated prior to reading, responsive to an update mode of the information apparatus being enabled;

(d) responsive to a match in filename indicated by the content type discrimination of the e-mail with a file required for update, the information apparatus to be updated receives the e-mail;

(e) the attached file is examined using a check sum after the e-mail is received;

(f) the attached file executes update operation if the examination indicates correct transmission.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iga in view of Schmidt and further in view of Wagner et al.

Iga discloses a printer connected to a network. Wherein the method for controlling printer by e-mail comprises following steps (as shown in figs. 7a and 7b): (S1) check if e-mail of corresponding printer is present; if yes, (S2) receive e-mail; (S3) transfer e-mail to mail process unit; (S4) store contents of e-mail; (S5) check if password of mail sentence is ok; if yes (S6) check if command=turn off power supply; if no (S8) check if command=printer information request; if no (S10) check if data is attached to mail sentence; if yes, (S11) check if data can be emulated by printer; if yes (S12) print process of attached data.

Schmidt discloses a method for enhancing network security comprising a

bridge 20 located downstream from the ISP (internet service provider) 12 and upstream from all aspects of the user network 14. As shown in figs. 4a and 4b, the bridge 20 receives all incoming e-mails and is programmed to identify and examine the MIME type of the e-mail. The bridge 20 determines if the e-mail includes an attachment based upon the MIME type identified and determines the delimiting string for the attachment.

Wagner discloses a system and a method for securely upgrading firmware. The upgraded firmware for a microcontroller is created and encrypted to construct a file that can be distributed and installed by technicians in the field. As described in paragraphs [0039]-[0052] and shown in fig. 2, a source code 252 is written to make up the firmware. After debugging and compiling, the source code rearranges into memory image, a cyclic redundancy check (CRC) is calculated for the header 262 and the encrypted image file 264, and a checksum 258 can be calculated to verify the integrity of the image file.

In the Office Action, the Examiner indicates that the steps (a), (b) and (f) of the present invention are taught by Iga, the steps (c) and (d) are taught by Iga in view of Schmidt, and the step (e) is taught by Wagner in view of Iga and Schmidt. However, the cited references do not disclose all features of the present invention. According to the teaching of Iga, the method for updating firmware by e-mail is determined by means of the command in the e-mail sentence decoded to check whether a turn-off operation of the power supply is instructed or not, but in the present invention, **a content type of the e-mail is discriminated prior to reading responsive to an update mode of the information apparatus to be responsive to a match in filename indicated by the content type.** There is no teaching whatever in Iga in relation to content type and filename of the e-mail, as recited in Applicant's independent claims.

Schmidt discloses that the bridge receives all incoming e-mails and is programmed to identify and examine the MIME type of the e-mail. According to MPEP (manual of patent examining procedure) 706.02(j): the examiner should set forth in the Office action: (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. Schmidt discloses methods for enhancing network security, wherein identifying e-mail is employed to inhibit flow of virus-infected e-mails to an internal e-mail sever. The purpose of Schmidt differs from the one of

the present invention, and the examiner did not set forth any explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. Besides, there is still no teaching in Schmidt in relation to content type of the e-mail.

Moreover, Wagner does not disclose all features of step (e) of the present invention. Although Wagner and the present invention both use a checksum, the applications thereof are different. The attached file is examined using a checksum after the e-mail is received in the present invention, but in Wagner's application, the checksum is used for calculating image file to be used for encryption. Therefore, the application of the checksum in Wagner's application is different from that of the present invention. Besides, Wagner does not teach about content type of e-mail.

In conclusion, there is no teaching in all the cited references in relation to content type of the e-mail. Besides, in Iga's application, the method for updating firmware by e-mail is determined by means of the command in the e-mail sentence but by means of a content type of the e-mail in the present invention, and the application of the checksum in Wagner's application is different from that of the present invention. For the above reasons, Claim 1 of the present invention cannot be taught or suggested by any one and/or the combination of the cited references and should be patentable.

In addition, Claims 2-9 should be patentable owing to their dependency from the patentable Claim 1.

MR3325-9
Application No. 09/873,179
Response to Final Office Action Dated 21 April 2005

It is now believed that the subject Patent Application is in condition for allowance and such action is respectfully requested.

This Response was prepared by Applicant, and is being submitted without substantive change by the undersigned Attorney.

Respectfully submitted,

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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #2141, at (571) 273-8300, on the date shown below.

For: ROSENBERG, KLEIN & LEE

DAVID I. KLEIN   8/15/2005
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